

GARMAN TURNER GORDON
DYLAN T. CICILIANO, ESQ.
Nevada Bar No. 12348
Email: dciciliano@gtg.legal
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Tel: (725) 777-3000
Fax: (725) 777-3112
Attorneys for SMS Financial J, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KHI LIQUIDATION TRUST,

Plaintiff,

v.

SOUTHERN VEGAS VALLEY
CONTRACTING, LLC

Defendant.

CASE NO. 2:17-cv-298-JAD-GWF

**STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEFENDANT'S EMERGENCY MOTION
TO VACATE ORDER FOR
EXAMINATION OF JUDGMENT
DEBTOR AND STAY PROCEEDINGS
[DKT. 6]**

Judgment Creditor SMS Financial J, LLC ("SMS") by and through its counsel of record Dylan T. Ciciliano, Esq. of the law firm Garman Turner Gordon, LLP, and SOUTHERN VEGAS VALLEY CONTRACTING, LLC ("SVVC"), by and through its counsel of record Jack Chen Min Juan, Esq. of the law firm Marquis Aurbach Coffing, hereby stipulate and agree as follows:

On or about March 20, 2017, SVVC filed its Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings (the "Motion to Vacate"). [Dkt. 6]. By minute order dated March 21, 2017, the Court set a hearing on the Motion to Vacate for April 3, 2017, and stayed the judgment debtor exam until the Court decides the Motion to Vacate. [Dkt. 7].

The judgment that is the subject of the Motion to Vacate is based on an Order Granting Default Judgment ("Judgment") in favor of KHI Liquidation Trust against SVVC in the United States Bankruptcy Court of the Northern District of Illinois Eastern District, *In re: Kimball Hill*,

1 *Inc.*, Case No. 08-10095, Adv. Proc. No. 10-00761 (the “Adversary Proceeding”), on or about
 2 January 14, 2011. [*See generally* Dkt. 2].

3 Since the filing of the Motion to Vacate, SVVC and SMS have engaged in settlement
 4 discussions. However, because the issues implicated in the Motion to Vacate concern a judgment
 5 from January 11, 2011, additional time is needed to potentially resolve the dispute.

6 Accordingly, the parties stipulate and agree that the hearing on the Motion to Vacate
 7 should be continued until April 24, 2017, subject to the Court’s availability, with any response to
 8 the Motion to Vacate being due on April 19, 2017.

9 The parties further stipulate and agree that per the Court’s March 20, 2017, Minute Order
 10 [dkt. 7], the judgment debtor exam should be stayed until such time that the Court decides the
 11 Motion to Vacate.

12 Dated this 29th day of March, 2017.

13 GARMAN TURNER GORDON

MARQUIS AURBACH COFFING

14 /s/ Dylan T. Ciciliano

/s/ Jack Chen Min Juan

15 Dylan T. Ciciliano, Esq.
 16 Nevada Bar No. 12348
 17 650 White Drive, Suite 100
 Las Vegas, NV 89119
 dciciliano@gtg.legal

Jack Chen Min Juan, Esq.
 Nevada Bar No. 6367
 Neil M. Sansone, Esq.
 Nevada Bar No. 13948
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 jjuan@maclaw.com
 nsansone@maclaw.com

18 *Attorneys for Plaintiffs, SMS Financial J,*
 19 *LLC*

Attorneys for Southern Vegas Valley
Contracting, LLC

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ORDER

IT IS HEREBY ORDERED that the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings [Dkt. 6] is hereby rescheduled to be held on April 25, 2017, at the hour of 9:30 AM to be held in LV Courtroom 3A before Magistrate Judge George Foley, Jr.

IT IS FURTHER ORDERED that the Judgment Debtor Exam is hereby stayed until such time that the Court decides the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings.

DATED 3/30/2017.


UNITED STATES MAGISTRATE JUDGE